

**NO. 22-2288**

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**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FEDERAL CIRCUIT**

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**APPLE INC.,**  
*Appellant*

**v.**

**COREPHOTONICS, LTD.,**  
*Appellee*

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**UNOPPOSED THIRD MOTION FOR EXTENSION OF TIME TO FILE  
APPELLANT'S OPENING BRIEF**

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**Appeal from the United States Patent and Trademark Office,  
Patent Trial and Appeal Board in No. IPR2020-00489**

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**Attorneys for Appellant Apple Inc.**

TO THE HONORABLE COURT:

Under Federal Rule of Appellate Procedure 26(b) and Federal Circuit Rule 26(b), Appellant Apple Inc. (“Appellant”) files this unopposed third motion for extension of time and respectfully requests a 14-day extension, until and including April 21, 2023, to file Appellant’s opening brief.

**A. Current Deadline**

The certified list was served on November 8, 2022, making Appellant’s opening brief due on January 9, 2023. Appellant filed a motion for a sixty-day extension of time to file its opening brief on December 29, 2022. That motion was granted on January 4, 2023, making the first extended deadline March 10, 2023. On March 1, 2023, Appellant filed a second motion for a 28-day extension of time. That motion was granted on March 16, 2023, making the current deadline April 7, 2023. This is Appellant’s third request for an extension of time to file the opening brief and Appellant’s third request for an extension in this appeal. If this motion is granted, the total days extended on Appellant’s opening brief would be 102.

**B. Reason for Extension**

Appellant requests this extension due to numerous conflicting deadlines in other matters, including for example the following:

- Appellant’s opening brief in *K.Mizra LLC v. Cisco Systems, Inc.*, No. 22-2290 (Fed. Cir.), filed March 6, 2023;

- Appellee’s brief in *Voice Tech Corp. v. Unified Patents, LLC*, No. 22-2163 (Fed. Cir.), filed March 10, 2023;
- Appellee’s brief in *GUI Global Products, Ltd., dba Gwee v. Apple Inc.*, No. 22-2257 (Fed. Cir.), filed March 15, 2023;
- Patent Owner’s Response in *Nearmap US, Inc. v. Eagle View Technologies, Inc.*, IPR2022-01009 (PTAB), due March 30, 2023;
- Patent Owner’s Response in *Nearmap US, Inc. v. Eagle View Technologies, Inc.*, IPR2022-01090 (PTAB), due March 30, 2023; and
- Appellee’s brief in *VirnetX Inc. v. Cisco Systems, Inc.*, No. 22-2234 (Fed. Cir.), due April 10, 2023.

### **C. No Opposition**

Appellee Corephotonics, Ltd. is not opposed to the requested extension, which is sought so that justice may be done in the disposition of this appeal and is not sought for purposes of delay.

### **PRAYER**

For these reasons, Appellant respectfully requests that this unopposed third motion for extension of time be granted and that the time for filing of the Appellant’s opening brief be extended from the current deadline of April 7, 2023, until and including April 21, 2023. Appellant further requests all such other relief to which it may be justly entitled.

Dated: March 31, 2023

Respectfully Submitted,

**HAYNES AND BOONE, LLP**

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**Attorneys for Appellant Apple Inc.**

**CERTIFICATE OF INTEREST**

**Case Number** 22-2288

**Short Case Caption** Apple Inc. v. Corephotonics, Ltd.

**Filing Party/Entity** Appellant / Apple Inc.

**Instructions:**

1. Complete each section of the form and select none or N/A if appropriate.
2. Please enter only one item per box; attach additional pages as needed, and check the box to indicate such pages are attached.
3. In answering Sections 2 and 3, be specific as to which represented entities the answers apply; lack of specificity may result in non-compliance.
4. Please do not duplicate entries within Section 5.
5. Counsel must file an amended Certificate of Interest within seven days after any information on this form changes. Fed. Cir. R. 47.4(c).

I certify the following information and any attached sheets are accurate and complete to the best of my knowledge.

Date: March 31, 2023

Signature: /s/ Debra J. McComas

Name: Debra J. McComas

<b>1. Represented Entities.</b> Fed. Cir. R. 47.4(a)(1).	<b>2. Real Party in Interest.</b> Fed. Cir. R. 47.4(a)(2).	<b>3. Parent Corporations and Stockholders.</b> Fed. Cir. R. 47.4(a)(3).
Provide the full names of all entities represented by undersigned counsel in this case.	Provide the full names of all real parties in interest for the entities. Do not list the real parties if they are the same as the entities.	Provide the full names of all parent corporations for the entities and all publicly held companies that own 10% or more stock in the entities.
	<u>X</u> None/Not Applicable	<u>X</u> None/Not Applicable

Apple Inc.		
<p><b>4. Legal Representatives.</b> List all law firms, partners, and associates that (a) appeared for the entities in the originating court or agency or (b) are expected to appear in this court for the entities. Do not include those who have already entered an appearance in this court. Fed. Cir. R. 47.4(a)(4).</p> <p><input type="checkbox"/> None/Not Applicable <input type="checkbox"/> Additional pages attached</p>		
Jordan Maucotel (Haynes and Boone, LLP)	Stephanie Sivinski (Haynes and Boone, LLP)	Michael S. Parsons (formerly Haynes and Boone, LLP)

<p><b>5. Related Cases.</b> Other than the originating case(s) for this case, are there related or prior cases that meet the criteria under Fed. Cir. R. 47.5(a)?</p> <p><input checked="" type="checkbox"/> Yes (file separate notice; see below) <input type="checkbox"/> No <input type="checkbox"/> N/A (amicus/movant)</p> <p>If yes, concurrently file a separate Notice of Related Case Information that complies with Fed. Cir. R. 47.5(b). <b>Please do not duplicate information.</b> This separate Notice must only be filed with the first Certificate of Interest or, subsequently, if information changes during the pendency of the appeal. Fed. Cir. R. 47.5(b).</p>
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<p><b>6. Organizational Victims and Bankruptcy Cases.</b> Provide any information required under Fed. R. App. P. 26.1(b) (organizational victims in criminal cases) and 26.1(c) (bankruptcy case debtors and trustees). Fed. Cir. R. 47.4(a)(6).</p> <p><input checked="" type="checkbox"/> None/Not Applicable <input type="checkbox"/> Additional pages attached</p>		

### **CERTIFICATE OF CONFERENCE**

I hereby certify that on March 31, 2023, I conferred with counsel for the Appellee, who stated that Appellee is not opposed to the relief sought herein.

/s/ Angela M. Oliver (with permission)  
Angela M. Oliver

### **CERTIFICATE OF COMPLIANCE**

1. This motion complies with the type-volume limitation of Fed. R. App. P. 27(d)(2)(A) because:

■ this motion contains 399 words, excluding the parts of the motion exempted by Fed. R. App. P. 32(f) and Fed. Cir. R. 32(b)(2).

2. This motion complies with the typeface and type style requirements of Fed. R. App. P. 27(d)(1)(E) because:

■ this motion has been prepared in a proportionally spaced typeface using Microsoft Word 2016 in 14-point Equity font.

/s/ Debra J. McComas  
Debra J. McComas